

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

IN THE MATTER OF
VIOLATION OF PRETREATMENT
REQUIREMENTS CONTAINED IN
NPDES PERMIT NO.CA0107433,
CITY OF OCEANSIDE

COMPLAINT NO. 98-41
FOR
ADMINISTRATIVE CIVIL LIABILITY
March 24, 1998

YOU ARE HEREBY GIVEN NOTICE THAT :

1. The City of Oceanside is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under subdivision (a)(6) of Section 13385 of the California Water Code.
2. Unless waived, a hearing on this matter will be held before the Regional Board beginning at 9:00 a.m. on May 13, 1998 in Laguna Beach, California. The City of Oceanside, its representatives, and other interested parties will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Board. A notice of this public hearing and the hearing procedures will be provided to the City of Oceanside prior to the hearing date. At the hearing, the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability.

ALLEGATION

3. During calendar year 1997, the City of Oceanside did not inspect and sample seven of the eleven Significant Industrial Users (SIU's) as required by Order No. 95-07 of the Regional Board, Waste Discharge Requirements for the City of Oceanside, Discharge to the Pacific Ocean Through the Oceanside Ocean Outfall (NPDES Permit No. CA0107433).

MAXIMUM CIVIL LIABILITY

4. Under California Water Code Section 13385 (c)(1), the maximum administrative civil liability which could be imposed by the Regional Board for the violations listed in Finding No. 3 of this complaint is ten thousand dollars (\$10,000) for each day in which the violation occurs. For this complaint, seven inspection/sampling events were not conducted. The maximum administrative civil liability which could be imposed by the Regional Board for these violations is seventy thousand (\$70,000) dollars.

PROPOSED CIVIL LIABILITY

- 5.. The Regional Board Executive Officer proposes that administrative civil liability be imposed on the City of Oceanside in the amount of twenty-one thousand (\$21,000) dollars. The proposed administrative civil liability takes into consideration the nature, circumstances, extent, and gravity of the violations.

WAIVER OF HEARING

6. The City of Oceanside may waive the right to a hearing. To waive the hearing, please sign the attached waiver form and return it, together with a check or money order made payable to the State Water Resources Control Board for the amount proposed in Finding No. 5 above, to the Regional Water Quality Control Board, San Diego Region, 9771 Clairemont Mesa Blvd, Ste A, San Diego, CA 92124.

If the hearing is not waived, comments from the interested parties at the hearing may be considered by the Regional Board in determining the amount of civil liability to be assessed. The Regional Board may impose a different amount of civil liability than that proposed, or revoke the complaint and refer the matter to the Attorney General.

If you have any questions, please contact the Executive Officer at (619)467-2952 or Mr. Don Perrin at (619)467-2969. Written correspondence pertaining to this complaint should be directed to:

Mr. John H. Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd, Suite A
San Diego, CA 92124-1331

JOHN H. ROBERTUS
Executive Officer

March 24, 1998

WAIVER OF HEARING FORM
FOR

COMPLAINT NO. 98-41

As the designated administrative officer of the City of Oceanside, I agree to waive the right of the City of Oceanside to a hearing before the Regional Board and to remit payment for the civil liability imposed. I understand that the City of Oceanside is giving up the right to be heard, and to argue against the allegations made by the Executive Officer in this complaint, and against the imposition of, or amount of civil liability imposed.

Signature: _____

Name (Print): _____

Position: _____

Date: _____